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**NOV 06 2004**

Patent  
Customer No.: 022870  
Docket No.: 14690.002USB

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**PATENT OPERATIONS**

|                  |  |                      |
|------------------|--|----------------------|
| Applicant:       | Myerson et al.   | Art Unit: 1654       |
| Application No.: | 10/056490  | Examiner: Russel, J. |
| Filing Date:     | 24 January 2002  | Conf. No. 4950       |
| Title:           | Method For Producing Crystal Polymorphs<br>and Crystal Polymorphs Produced Thereby |                      |

**SECOND RESPONSE AFTER ADVISORY ACTION**  
**AND AFTER DECISION ON PETITION**

6 November 2004

Via Fax: +1.703.872.9306

Commissioner of Patents  
PO Box 1450  
Alexandria VA 22313-1450

Sir:

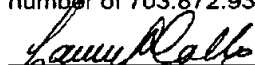
The following is submitted in response to the Advisory Action dated 28 May 2004  
and the Decision on Petition dated 7 October 2004.

**Status** begins on page 2.

**Specification Amendments** begin on page 3.

**Remarks** begin on page 4.

I certify that I have transmitted this document via facsimile to the USPTO at the central facsimile receiving  
number of 703.872.9306, this 6<sup>th</sup> day of November 2004.

  
Laurence P. Colton

**STATUS**

The above-captioned patent application is pending.

Claims 11 and 14-18 have been allowed.

A claim for priority has been objected to.

A new inventors declaration has been requested.

**PETITION FOR EXTENSION OF TIME**

This Response is being submitted with a Petition for a 3-month Extension of Time from the 7 May 2004 date of the final Office Action extending the time for response up to and including 7 November 2004. The appropriate fee of \$490.00 for a small entity is enclosed by way of a PTO-2038.